

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
JACKSON DIVISION

Willis Foster,
Plaintiff,

v.

Officer James Cupples, et al.,
Defendants.

Case No.: 25-1140

**SUPPLEMENTAL AFFIDAVIT IN SUPPORT OF LIMITED OBJECTION
TO REPORT AND RECOMMENDATION**

I, Willis Foster, under penalty of perjury pursuant to 28 U.S.C. § 1746, submit this affidavit in support of a limited objection to the Magistrate Judge's Report and Recommendation filed on or around June 23, 2025.

1. I respectfully object to the summary presented in the Report and Recommendation which states that I alleged Officer Cupples initiated the traffic stop on May 2, 2025, because he allegedly smelled marijuana. I did not make that allegation in my complaint.
2. As stated in my original complaint and supported by my video evidence, the initial interaction began when Officer Cupples flagged me down in moving traffic and asked, "Where are you going?" without giving any lawful basis for a stop.
3. The smell of marijuana was not the basis of the stop—it was used by Officer Cupples only after I asserted my rights and objected to being forced out of my vehicle to sign a citation. This was an escalation and a retaliatory response, not the justification for the stop.
4. I included the reference to 18 U.S.C. § 242 to show the seriousness of the alleged civil rights violations, but I understand that this statute does not provide a

private right of action. I do not oppose its dismissal so long as it does not impact or weaken my properly filed claims under 42 U.S.C. § 1983 for violations of the Fourth and Fourteenth Amendments.

5. I respectfully request that the record reflect the correct factual foundation of my claims, and that my remaining claims proceed as outlined.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 11, 2025.

Willis Foster

Pro Se Plaintiff

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